



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

TERENCE WELLS,

Petitioner,

07 CIVIL 6982 (CM)(AJP)

-against-

JUDGMENT

THOMAS RICKS, Superintendent,
Upstate Correctional Facility,
Respondent.

SCANNED

X

Whereas the Honorable Andrew J. Peck, United States Magistrate Judge, having issued a report and recommendation ("report") recommending that the petition for a writ of habeas corpus be dismissed, and the matter having come before the Honorable Colleen McMahon, United States District Judge, and the Court, thereafter, on July 31, 2008, having rendered its Decision and Order adopting the report and dismissing the petition, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Decision and Order dated July 31, 2008, the report is adopted and the petition is dismissed; the Court finds that because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Decision and Order dated July 31, 2008 would not be taken in good faith.

DATED: New York, New York
August 5, 2008

J. MICHAEL McMAHON**Clerk of Court****BY:***[Signature]***Deputy Clerk.**

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____